

# House File 418 - Introduced

HOUSE FILE \_\_\_\_\_  
BY TYMESON

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to a prohibition on the use of school district  
2 resources or employees to influence elections and providing a  
3 penalty.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2350HH 83  
6 kh/nh/8

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1 1 Section 1. Section 256F.4, subsection 2, Code 2009, is  
1 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. k. Be subject to and comply with the  
1 4 provisions of section 279.68 relating to the use of school  
1 5 resources or employees to influence elections.  
1 6 Sec. 2. NEW SECTION. 279.68 USE OF SCHOOL RESOURCES OR  
1 7 EMPLOYEES TO INFLUENCE ELECTIONS PROHIBITED == CIVIL PENALTY.  
1 8 1. A person acting on behalf of a school district or a  
1 9 person who aids another person acting on behalf of a school  
1 10 district shall not use school district personnel, equipment,  
1 11 materials, buildings, or other resources for the purpose of  
1 12 influencing the outcome of an election. Notwithstanding this  
1 13 section, a school district may distribute informational  
1 14 reports on a proposed bond election as provided in chapter  
1 15 298. Nothing in this section precludes a school district from  
1 16 reporting on official actions of the board of directors of the  
1 17 school district.  
1 18 2. An employee of a school district who is acting as an  
1 19 agent of or working in an official capacity for the school  
1 20 district shall not give students written materials to  
1 21 influence the outcome of an election or to advocate support  
1 22 for or opposition to pending or proposed legislation.  
1 23 3. An employee of a school district shall not use the  
1 24 authority of the employee's position to influence the vote or  
1 25 political activities of any subordinate employee.  
1 26 4. A teacher who is acting as an agent of or who is  
1 27 working in an official capacity for a school district shall  
1 28 not do any of the following:  
1 29 a. Endorse, support, or oppose any candidate or nominee  
1 30 for local, state, or federal public office or any elected or  
1 31 appointed local, state, or federal official.  
1 32 b. Endorse, support, or oppose any pending, proposed, or  
1 33 enacted local, state, or federal legislation, regulation, or  
1 34 rule.  
1 35 c. Endorse, support, or oppose any pending or proposed  
2 1 litigation in a local, state, or federal court or endorse,  
2 2 support, or oppose any judicial action taken by a local,  
2 3 state, or federal court.  
2 4 d. Advocate one side of a social, political, or cultural  
2 5 issue that is a matter of partisan controversy.  
2 6 e. Endorse, support, or engage in any activities that  
2 7 hamper or impede the lawful access of military recruiters to  
2 8 the school attendance center grounds.  
2 9 f. Endorse, support, or engage in any activities that  
2 10 hamper or impede the actions of local, state, or federal law  
2 11 enforcement.  
2 12 5. Nothing in this section shall be construed as denying  
2 13 the civil or political liberties of any person as guaranteed  
2 14 by the United States or Iowa Constitution.  
2 15 6. By January 1, 2010, the attorney general shall publish  
2 16 and distribute to school districts detailed guidelines  
2 17 regarding activities prohibited under this section. The  
2 18 attorney general may distribute these guidelines through a web  
2 19 site or electronically.

2 20 7. By January 1, 2010, the state board of education shall  
2 21 publish and distribute to school districts and school district  
2 22 teachers, employees, parents, and students detailed guidelines  
2 23 regarding the rights and responsibilities of school districts  
2 24 and school district teachers, employees, parents, and students  
2 25 under this section.

2 26 8. In addition to the civil penalty prescribed in  
2 27 subsection 11, a violation of subsection 4 by a licensed  
2 28 teacher is misconduct subject to disciplinary action,  
2 29 including suspension or revocation of the individual's  
2 30 teaching license, as the board of educational examiners deems  
2 31 appropriate.

2 32 9. The state board of education shall require teachers to  
2 33 obtain at least three hours of annual training concerning the  
2 34 responsibilities of teachers under subsection 4.

2 35 10. The attorney general or the county attorney for the  
3 1 county in which an alleged violation of this section occurred  
3 2 may initiate a suit in the district court of the county in  
3 3 which the school district is located for the purpose of  
3 4 complying with this section.

3 5 11. For each violation of this section, the court may  
3 6 impose a civil penalty not to exceed five hundred dollars plus  
3 7 any amount of misused funds subtracted from the school  
3 8 district budget against a person who knowingly violates or a  
3 9 person who knowingly aids another person in violating this  
3 10 section. The person determined to be in violation of this  
3 11 section shall be responsible for the payment of all penalties  
3 12 and misused funds. School district funds or insurance  
3 13 payments shall not be used to pay these penalties or misused  
3 14 funds. All misused funds collected pursuant to this section  
3 15 shall be returned to the school district whose funds were  
3 16 misused.

3 17 12. An attorney acting on behalf of a school district may  
3 18 request a legal opinion of the county attorney or attorney  
3 19 general as to whether a proposed use of school district  
3 20 resources would violate this section.

3 21 13. All penalties collected by the court for a suit  
3 22 initiated in the district court of a county by the attorney  
3 23 general pursuant to this section shall be paid to the office  
3 24 of the attorney general for the use and reimbursement of costs  
3 25 of prosecution pursuant to this section. All penalties  
3 26 collected by the court for a suit initiated in the district  
3 27 court of a county by a county attorney pursuant to this  
3 28 section shall be paid to the county treasurer of the county in  
3 29 which the court is held for the use and reimbursement of costs  
3 30 of prosecution pursuant to this section.

3 31 14. For purposes of this section, unless the context  
3 32 otherwise requires:

3 33 a. "Election" means any election referenced or defined in  
3 34 section 39.3.

3 35 b. "Misused funds" means school district moneys or  
4 1 resources used pursuant to subsection 1.

#### 4 2 EXPLANATION

4 3 This bill prohibits the use of school district or charter  
4 4 school resources or employees to influence elections. For  
4 5 each violation of the prohibitions, the district court of a  
4 6 county may impose up to a \$500 penalty plus any amount of  
4 7 misused funds. A violation by a teacher is misconduct subject  
4 8 to disciplinary action by the board of educational examiners.

4 9 In addition, a person cannot aid another person acting on  
4 10 behalf of a school district in using school district  
4 11 personnel, equipment, materials, buildings or other resources  
4 12 for the purpose of influencing the outcome of an election.

4 13 A school district may distribute informational reports on a  
4 14 proposed bond election. Nothing in the bill precludes a  
4 15 school district from reporting on official actions of the  
4 16 board of directors of the school district.

4 17 School district employees shall not give students written  
4 18 materials to influence the outcome of an election or to  
4 19 advocate support for or opposition to pending or proposed  
4 20 legislation, and shall not use the authority of their  
4 21 positions to influence the vote or political activities of any  
4 22 subordinate employee.

4 23 Teachers cannot advocate one side of a social, political,  
4 24 or cultural issue that is a matter of partisan controversy,  
4 25 nor can they endorse, support, or oppose any local, state, or  
4 26 federal public office candidate, nominee, or official; any  
4 27 pending, proposed, or enacted legislation, regulation, or  
4 28 rule; any pending or proposed litigation; or any judicial  
4 29 action taken; nor can they endorse, support, or engage in any  
4 30 activities that hamper or impede the lawful access of military

4 31 recruiters to school attendance center grounds or the actions  
4 32 of law enforcement.

4 33 However, nothing in the bill shall be construed as denying  
4 34 the civil and political liberties of any person as guaranteed  
4 35 by the United States or Iowa Constitution.

5 1 The bill requires the attorney general to publish and  
5 2 distribute to school districts detailed guidelines regarding  
5 3 activities prohibited. The bill also requires the state board  
5 4 of education to publish and distribute to school districts and  
5 5 school district teachers, employees, parents, and students  
5 6 detailed guidelines regarding the rights and responsibilities  
5 7 of school districts and school district teachers, employees,  
5 8 parents, and students. In addition, the board must require  
5 9 teachers to obtain at least three hours of annual training  
5 10 concerning the responsibilities of teachers.

5 11 The attorney general or the county attorney for the county  
5 12 in which an alleged violation occurred may initiate a suit in  
5 13 county district court. All penalties collected must be paid  
5 14 to the office of the attorney general or to the county  
5 15 treasurer as appropriate for the use and reimbursement of  
5 16 costs of prosecution.

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